

STATE OF HAWAII
DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

PREFACE

1. **TITLE.** The title of this plan is Department of Defense Language Access Plan (LAP).
2. **PURPOSE.** This plan implements Act 290 of the 2006 Legislative Session that requires each state agency and covered entity to take reasonable steps to ensure meaningful access to services programs, and activities by limited English proficient persons.
3. **EFFECTIVE PERIOD:** This plan is effective upon receipt or official date of the plan, whichever is later.
4. **SUPPRESSION INFORMATION.** This is the initial issue of this plan.
5. **OFFICE OF PRIMARY RESPONSIBILITY (OPR).** The OPR for this plan is the Military Executive Officer, Office of the Adjutant General. Recommendations and comments pertaining to the contents of this plan should be forwarded to the OPR.
6. **SECURITY CONSIDERATIONS.** This plan is unclassified and does not fall within the scope of directives governing the protection of information affecting the national security of the United States.
7. **LIMITATION REPORTING.** Department divisions and offices will advise the Adjutant General, through the OPR, of any factors which may prevent the execution of this plan. Department divisions and offices should submit recommendations for change(s) within 60 days after receipt of this plan.
8. **PLANS REVIEW.** The OPR will originate an annual review of the plan by affected divisions and offices.

ROBERT G. F. LEE
Major General
Hawaii National Guard
Adjutant General

[illegible]

DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
July 1, 2007

REFERENCES.

Civil Rights Act of 1964, 42 U.S.C. § 2000d, Title VI
Hawaii Revised Statutes (HRS), Chapter 371, Part II

TASKED DIVISIONS AND OFFICES.

All divisions and offices within the Department of Defense.

1. BACKGROUND. The Civil Rights Act of 1964, 42 U.S.C. § 2000d, Title VI created an obligation for government to take reasonable steps to provide meaningful access to persons with limited English proficiency. During the 2006 Legislative session, Act 290, Language Access Law, passed, and the new law mandated two things.

a. The establishment of the Office of Language Access (OLA) as an administratively attached agency in the Department of Labor and Industrial Relations (DLIR).

b. The requirement that each state agency and covered entity take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient (LEP) individuals.

2. SITUATION. The Hawaii Revised Statutes (HRS), Chapter 371, Part II, mandates all state agencies receiving state and federal funding submit a language access plan to OLA. HRS, Section 371-34 directs the following:

a. Each state agency and covered entity shall establish a plan for language access.

b. Each state agency's plan for language access should be established in consultation with the executive director of the Office of Language Access and the State agency's coordinator for language access.

(1) State agencies receiving federal financial assistance shall file an initial language access plan no later than July 1, 2007, and every two years thereafter. The Department of Defense falls in this category.

(2) All other state agencies shall file a language access plan with the executive director of the Office of Language Access no later than July 1, 2008, and every two years thereafter.

c. Each state agency shall designate a language access coordinator who shall establish and implement the plan for language access in consultation with the executive director of the Office of Language Access and the Language Access Council.

3. DEFINITION OF LIMITED ENGLISH PROFICIENT PERSONS/CUSTOMERS. For purposes of this plan, limited English proficient (LEP) persons or LEP customers mean individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter.

4. ASSUMPTIONS.

a. In determining how to provide effective and meaningful access to LEP customers, the U.S. Department of Labor has established the following four guidelines (68 FR 32290, 32294 (May 29, 2003)):

(1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program.

(2) The frequency with which LEP persons come into contact with the program.

(3) The nature and importance of the program, activity, or service provided by the program to LEP persons.

(4) The resources available to the program and the costs of providing interpretation and/or translation services.

b. The benchmark of this four-factor analysis is reasonableness--reasonableness as measured by balancing

(1) The size, needs, and the nature of assistance to the LEP population served and

(2) The department's capacity and available resources.

5. RESPONSIBILITIES.

a. The Office of Language Access will provide oversight, central coordination, and technical assistance to the department in the implementation of language access plan.

b. The Adjutant General will:

(1) Insure that the Department of Defense will develop and implement a language access plan for the department.

(2) Appoint an office of primary responsibility for the language access plan.

c. The Military Executive Officer will serve as the office of primary responsibility for the department's language access plan. As the department OPR, language access coordinator will:

(1) Coordinate with the State Office of Language Access and the Language Access Advisory Council for program requirements and guidance.

(2) Attend the Language Access Advisory Council meetings as required.

(3) Coordinate the development of the language access program for the department..

(4) Coordinate efforts to implement the program within the department.

(5) Monitor and evaluate the program to improve the overall process.

(6) Respond to any inquiries, comments, or complaints regarding this department's language access plan.

(7) Making revisions or modifications to the plan as necessary.

d. Division Chiefs and Office Managers will:

- (1) Implement the language access plan within their divisions and offices as outlined by State and department plans.
- (2) Provide feedback to the department OPR to improve process of the language access plan.

OFFICIAL

ROBERT G. F. LEE
Major General
Hawaii National Guard
Adjutant General

ANNEXES:
A thru B - Not Used
C - Operations
D thru Y - Not Used
Z - Distribution

DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
July 1, 2007

ANNEX C TO DOD LANGUAGE ACCESS PLAN

OPERATIONS

1. **Overview.** The office of primary responsibility (OPR) will coordinate the development and implementation of the department's language access plan. The plan will include the following major steps.

- a. Conduct a survey to identify the internal and external language access requirements to include what offices are affected, frequency of need, oral and/or written needs, and the languages requiring interpretation and/or translation.
- b. Conduct a survey of departmental employees who would volunteer to support language access when there is a requirement.
- c. Coordinate the notification and support process of interpretation and/or translation services to qualified LEP customers.
- d. Coordinate any language access training required for department members.
- e. Solicit feedback on the program from LEP customers and department members.
- f. Coordinate revisions or modifications to the program as necessary.

2. **Survey of internal and external requirements.** The OPR will conduct interviews with the division chiefs and office managers to determine the internal and external needs. A list of the most common languages encounters will be created based on these discussions. Currently, only the department's personnel office offers services to job applicants when requested. These requests are infrequent but supported by personnel in the department or by language personnel paid by the department.

3. **Survey of departmental employees.** The department will survey employees for their language skills. The survey is Appendix 1 to this Annex. Appendix 2 is a listing of employees with language skills who have agreed to support LEP individuals. All employees who assist qualified LEP individuals will be volunteers.

4. Notification and support process.

a. The OPR will develop a notice to the LEP individuals who may access Department of Defense services. Notice will be in foreign languages, notifying LEP individuals that translation services are available. Division chiefs and office managers will insure notices are posted in areas where there is public access and distribute notices internally to their employees.

b. Division chiefs and office managers will notify the OPR of any LEP support requirements. The OPR will coordinate internally for LEP. If support is not available within the department, the OPR will coordinate with other translation sources, to include private interpreter services. Solicitation and payment of interpreter services will be within department's fiscal

rules. Alternate sources include: personnel from other State departments, community, and military family organizations offering language services, and active duty military linguists.

d. Department personnel who serve LEP customers will complete a questionnaire after each service request. The questionnaire will record the department's response to LEP support requests and afford an opportunity to improve the process. Appendix 3 Annex C is the questionnaire.

5. Translation of vital documents. Using sources in paragraph 4 above, the department will translate vital documents to LEP individual persons who seek to access services programs. Written translation of vital documents for each eligible LEP group that constitutes five per cent or one thousand, whichever is less, of the population eligible to be served or likely to be affected or encountered will be provided.

6. State Civil Defense. State Civil Defense's plan for dissemination of pre- and post-disaster information to LEP individuals is Appendix 4 Annex C.

7. Language access plan training. The department OPR will develop and implement training for the department employees. The training will

- a. Provide the background and importance of the department's Language Access Plan.
- b. Discuss any forms developed to support the LAP and how to complete the forms.

8. Hiring of bilingual personnel. The department will hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions.

9. Feedback and plan modifications. The department OPR will solicit feedback from the questionnaire responses and from division chiefs and office managers at least annually. The department will implement any plan modifications after review by the division chiefs and office managers. The plan will remain within the intent and assumptions of the referenced state and Federal laws.

DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
July 1, 2007

APPENDIX 1 ANNEX C TO DOD LANGUAGE ACCESS PLAN

LANGUAGE SKILLS SURVEY

This is the basic language skills survey to query departmental employees. Modification of the basic survey is authorized to meet requirements when the survey is conducted.

Name: _____ Division/Office: _____

The Civil Rights Act of 1964, 42 U.S.C. § 2000d, Title VI created an obligation for government to take reasonable steps to provide meaningful access to persons with limited English proficiency. During the 2006 Legislative session, Act 290, Language Access Law, passed, and created a requirement that each state agency and covered entity take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient (LEP) individuals.

The Department of Defense is surveying employees to determine how many foreign language speakers we have in our workplaces. Those who have these language skills can assist when there is a situation where LEP individuals require assistance. For example, when LEP individuals applying for employment and need assistance completing the application form.

1. What languages do you speak that could help limited English proficient individuals?

2. What languages do you read could help limited English proficient individuals?

3. Are you willing to help when there is a need to assist a limited English proficient individuals?

DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
July 1, 2007

APPENDIX 3 ANNEX C TO DOD LANGUAGE ACCESS PLAN

LEP SUPPORT QUESTIONNAIRE

Department employees will complete this questionnaire for each situation where the employee provided LEP support.

Limited English Proficiency (LEP) Questionnaire

Name: _____ Division/Office: _____

Name of LEP person (if known): _____ Date: _____

1. What is the primary language spoke by the LEP individual?
(Cantonese, Ilocano, Japanese, Korean, Mandarin, Samoan, Tagalog, etc.)
2. Who provided the interpreter services?
(Departmental volunteer, contact interpreter, someone who came with the LEP person, etc.)
3. What type of services was provided?
(Oral interpretation in person or by phone, written translation, none)
4. How often did you provide services to or encounter this LEP person?
(One time event, weekly, monthly, monthly)
5. Was the program service provided within the same time frame as service to a non-LEP person?
(Yes or No. Was the delay caused by the process to get LEP assistance to the location?)
6. Was the LEP person satisfied with the interpreter services provided?
(Yes or No, please provide comments)

DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
July 26, 2007

APPENDIX 4 ANNEX C TO DOD LANGUAGE ACCESS PLAN

STATE CIVIL DEFENSE (SCD)

1. State Civil Defense's mission is "to prepare for and respond to disasters and emergencies." Because of Hawaii's multi-ethnic population, the emergency information SCD provides the public must address LEP individuals.
2. State Civil Defense established a Memorandum of Agreement (MOA) with two local radio stations to provide emergency information in several Asia-Pacific languages. These stations have agreed to provide translated emergency information prior, during and after disasters and emergencies. A \$200,000 Federal grant provided these two stations emergency generators at their studios and at their broadcast tower locations. Their informational broadcasts are public service announcements in accordance with the MOA.
 - a. Radio station KZOO will provide translation and broadcasts in Japanese.
 - b. Radio station KNDI will provide translation and broadcasts in Cantonese, Chuukese, Hispanic, Ilocano, Loation, Mandorin, Marshallese, Okinawan, Pohnpeian, Samoan, Tagalog, Tongan, and Vietnamese.
3. These stations will assist SCD in the development of informational brochures for hurricane and tsunami preparedness.
4. State Civil Defense established a working agreement with the Community Health Medical Program at Leahi Hospital, in close proximity to the SCD's emergency operations center in Diamond Head Crater.. This program is part of the Department of Health and provides translation services as they provide health services in communities with LEP populations.
5. For other language translation services, SCD will work with the active military intelligence and linguists assigned in Hawaii with Homeland Defense operations.

DEPARTMENT OF DEFENSE
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
July 1, 2007

ANNEX Z TO DOD LANGUAGE ACCESS PLAN

DISTRIBUTION

1. The office of primary responsibility will distribute copies of the plan to the divisions and offices listed below. Divisions and offices are responsible for internal distribution within their areas.

Joint Force Headquarters Hawaii
Hawaii Army National Guard
Hawaii Air National Guard
State Civil Defense
Office of Veteran Services
Youth Challenge Academy
About Face
US Property and Fiscal Office
Command Chief Master Sergeant
Engineering Office
Family Readiness Group Coordinator
Human Resource Office
Inspector General
Judge Advocate General
Military Logistics Support Officer
Military Executive Officer
Public Affairs Office
Administrative Services Office
State Fiscal Office
State Personnel Office

Office of Language Access
Language Access Council